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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/539,146	06/16/2005	Takashi Kuwabara	ARGM-112US	2558

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RATNERPRESTIA  
P.O. BOX 980  
VALLEY FORGE, PA 19482

EXAMINER
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HUNNINGS, TRAVIS R

ART UNIT	PAPER NUMBER
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2612

MAIL DATE	DELIVERY MODE
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05/17/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/539,146

Applicant(s)

KUWABARA ET AL.

Examiner

Travis R. Hunnings

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 7, 8 and 12-14 is/are rejected.
- 7) ☒ Claim(s) 4-6 and 9-11 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 June 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 14 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. Regarding claim 14, the phrase "a couple of" renders the claim indefinite because it is unclear exactly what the limitation(s) is that would constitute "a couple of" anything. See MPEP § 2173.05(d).

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 7, 8, 12 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by lino (US Patent 4,837,551).

Regarding claim 1, lino discloses *Display Apparatus For Automotive Vehicle* that has the following claimed limitations:

The claimed display means for displaying images, said display means having a stationary position and a space position away from said stationary position in said automotive vehicle is met by the half-mirror reflector unit that has an angular dislocation (column 3, lines 38-47 and column 4, lines 43-61);

The claimed supporting means for supporting said display means in such a way that said display means is linearly or pivotably moved between said stationary position and said space position is met by the pivotal axles and the support member facilitating the movement of the half-mirror reflector unit (column 3, lines 48-64);

The claimed controlling means for controlling said display means in such a way that said display means is linearly or pivotably moved between said stationary position and said space position by an acceleration of said automotive vehicle while cruising is met by the angular dislocation of the half-mirror reflector unit that is caused by the acceleration of the vehicle (column 4, lines 34-61).

Regarding claim 7, the claimed acceleration detecting means for detecting said acceleration of said automotive vehicle in at least one of a traveling direction, a vertical direction perpendicular to said traveling direction and a horizontal direction perpendicular to said traveling direction is met by the acceleration sensor (column 4, lines 34-61). The claimed controlling means is operative to control said supporting means to have said display means moved toward said space position from said stationary position by said acceleration detected by said detecting means is met by the

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operation of the device to move the half-mirror reflector unit based on the acceleration of the vehicle (column 4, lines 34-61).

Regarding claim 8, the claimed supporting means is operative to pivotably move said display means around an pivotal axis, said pivotal axis extending in at least one of a vertical direction and a horizontal direction respectively perpendicular to a traveling direction of said automotive vehicle and in which said controlling means is operative to control said supporting means to have said display means pivotably move in a direction opposite to said acceleration of said automotive vehicle is met by the support structure supporting the half-mirror reflector unit and the operation of the device to move the half-mirror reflector unit based on the acceleration of the vehicle (column 3, lines 48-64 and column 4, lines 34-61).

Regarding claim 12, the claimed controlling means including a switching unit for switching from one of two states in which said controlling means is operative to control said display means in such a way that said display means is moved by said acceleration detected by said acceleration detecting means to the other of said two states in which said controlling means is operative to control said display in such a way that said display means is not moved is met by the manual operation of the half-mirror reflector unit and when the manual operation is chosen the device does not move when the vehicle is accelerating but instead only when the user moves it manually.

Regarding claim 13, the claimed display means being constituted by a projector unit and a display screen, said projector unit being operative to project images in an area of said display screen is met by the half-mirror reflector unit reflecting the images projected onto it (column 3, lines 38-47). The claimed controlling means being operative to control said projector unit in such a way that said area of said display screen is shifted on the basis of said acceleration detected by said acceleration detecting means is met by the operation of the device to move the half-mirror reflector unit based on the acceleration of the vehicle (column 3, lines 48-64 and column 4, lines 34-61).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over lino.

Regarding claim 2, it would have been obvious that the control means would return the display means to the original position once the vehicle has stopped accelerating.

Regarding claim 3, the claimed first and second joint members and the controlling means including a resilient member that ensures the display returns to its original position is met by the support structure of the device as seen in figures 2 and 3 (column 3, lines 48-64).

***Allowable Subject Matter***

8. Claims 4-6 and 9-11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Travis R. Hunnings whose telephone number is (571) 272-3118. The examiner can normally be reached on 8:00 am - 5:00 pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel J. Wu can be reached on (571) 272-2964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TRH

  
**BENJAMIN C. LEE**  
**PRIMARY EXAMINER**